

1
2
3
4
5
6
7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
10

11 TROY T. SHERMAN, JR.,
12 Petitioner,
13 v.
14 PEOPLE OF THE STATE OF
15 CALIFORNIA,
16 Respondent.
17

No. 2:25-CV-0492-DMC-P

ORDER

18 Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of
19 habeas corpus under 28 U.S.C. § 2254. Pending before the Court is Petitioner's first amended
20 petition, ECF No. 12.

21 Petitioner's original petition was dismissed for failure to name the correct
22 Respondent. See ECF No. 11. In the first amended petition, Plaintiff has named the proper
23 Respondent, Joshua Prudhel. See ECF No. 12. However, the first amended petition does not
24 comply with Rule 2(c) of the Federal Rules Governing Section 2254 Cases. Allegations which
25 are unsupported by a statement of specific facts do not warrant federal habeas relief. James v.
26 Borg, 24 F.3d 20, 26 (9th Cir. 1994). Moreover, "[f]ederal courts are authorized to dismiss
27 summarily any habeas petition that appears legally insufficient on its face." McFarland v. Scott,
28 512 U.S. 849, 856 (1994). Thus, in order to satisfy Rule 2(c), facts must be stated, in the petition,

1 with sufficient detail to enable the Court to determine, from the face of the petition, whether
2 further habeas corpus review is warranted.” Frasier v. Hernandez, 2007 WL 1300063, *3 (S.D.
3 Cal. Apr. 30, 2007).

4 Here, the first amended petition does not contain a statement of facts to allow the
5 Court to determine whether he has stated a cognizable claim for federal habeas relief.
6 Specifically, Petitioner asserts as grounds for habeas relief as “benefits of new laws,” but
7 Petitioner does not explain how or whether such laws would apply to him. See ECF No. 12.
8 Additionally, Petitioner asserts that he “was denied right to suppress unreasonable traffic stop”
9 and states “see the motion contained in court file” instead of providing facts underlying the claim.
10 Id.

11 Petitioner will be provided an opportunity to amend. Petitioner is cautioned that
12 failure to file a second amended petition within the time permitted therefor may result in
13 dismissal of the entire action for lack of prosecution and failure to comply with Court rules and
14 orders. See Local Rule 110.

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. Petitioner’s first amended petition, ECF No. 12, is dismissed with leave to
17 amend;
- 18 2. Petitioner shall file a second amended petition on the form provided within
19 30 days of the date of this order;
- 20 3. The Clerk of the Court is directed to update the docket to substitute
21 Joshua Prudhel as Respondent; and
- 22 4. The Clerk of the Court is directed to forward to Petitioner the court’s form
23 petition for state prisoners.

24
25 Dated: September 22, 2025

26 
27 DENNIS M. COTA
28 UNITED STATES MAGISTRATE JUDGE